

UNITED STATES COURT OF APPEALS August 18, 2011

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

PENI COX,

Plaintiff - Appellant,

v.

RECONTRUST COMPANY; BANK OF
AMERICA HOME LOANS
SERVICING; BANK OF AMERICA;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,

Defendants - Appellees,

and

NEW LINE MORTGAGE; DIVISION
OF REPUBLIC MORTGAGE HOME
LOANS,

Defendants.

STATE OF UTAH,

Amicus Curiae.

No. 10-4117
(D.C. No. 10-CV-00492-CW-SA)
(D. Utah)

ORDER

Before **MURPHY, HARTZ, and O'BRIEN**, Circuit Judges.

The appellees filed a "Motion to Dismiss the Appeal" asserting the appeal has

become moot and should be dismissed based on the plaintiff-appellant's voluntary dismissal of the underlying district court proceeding and associated events. The appellant responded with an "Opposition to Motion to Dismiss the Appeal" and the appellees have filed a "Reply in Support of Defendant-Appellees' Motion to Dismiss Appeal."

Being fully advised, the court finds that this appeal has been rendered moot. The constitutional mootness doctrine is grounded in Article III's requirement that federal courts only decide "actual, ongoing cases or controversies." Lewis v. Continental Bank Corp., 494 U.S. 472, 477 (1990). "Generally an appeal should be dismissed as moot when events occur that prevent the appellate court from granting any effective relief." Thournir v. Buchanan, 710 F.2d 1461, 1463 (10th Cir.1983).

Accordingly, the "Motion to Dismiss the Appeal" is granted and this appeal is dismissed, both sides to bear their own costs.

Entered for the Court
ELISABETH A. SHUMAKER
Clerk of Court



by: Douglas E. Cressler
Chief Deputy Clerk